

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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NATHANIEL PORTER,

Plaintiff,

v.

PATRICIA CARUSO, *et al.*,

Defendants.

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Case No. 1:05-CV-562

Hon. Richard Alan Enslen

**ORDER**

Plaintiff N. Kalonji Owusu I, also known as Nathaniel Porter, has filed his Objections to United States Magistrate Judge Ellen S. Carmody's Order of September 20, 2006, which stayed discovery in this matter. This Court reviews the Order pursuant to 28 U.S.C. § 636(b)(1)(A) to determine whether it is "clearly erroneous or contrary to law."

Upon such review, the Court determines that Defendants' request to stay discovery was properly granted. A pending summary judgment motion by Defendants has asserted the defense of qualified immunity. Given such, binding precedent entitled Defendants to the stay of discovery until qualified immunity is determined. *See Siegert v. Gilley*, 500 U.S. 226, 231 (1991); *Christophel v. Kukulinsky*, 61 F.3d 479, 484 (6th Cir. 1995). Plaintiff's allegation that qualified immunity was asserted in bad faith is not supported by the record. The determination of the Magistrate Judge was not clearly erroneous or contrary to law.

**THEREFORE, IT IS HEREBY ORDERED** that Plaintiff's Objection (Dkt. No. 98) is **DENIED** and the Order of September 20, 2006 is **AFFIRMED**.

DATED in Kalamazoo, MI:  
November 13, 2006

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE